

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

JUDGMENT IN A CIVIL CASE

MONICA DANIEL HUTCHISON,)
vs.) Case No. 09-3018-CV-S-RED
TEXAS COUNTY, MISSOURI, et al.)

- Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to determination before the Court. The issues have been determined and a decision has been rendered.

On June 15, 2009 (Doc. 16) the Court **GRANTED IN PART and DENIED IN PART** Defendant Anderson's Motion to Dismiss (Doc. #5), and also Texas County, Missouri's Motion to Dismiss Counts I, II and III of Plaintiff's Complaint (Doc. 10) as follows:

1. Plaintiff's claims in Counts I, II and III against Defendant Anderson in his official capacity as Prosecuting Attorney of Texas County were **DISMISSED**.
2. Count III of Plaintiff's Complaint was **DISMISSED** in its entirety.
3. Plaintiff's requests for punitive damages in Counts I and II were **STRICKEN**.
4. Defendants' motions to dismiss all other claims were **DENIED**.

On June 21, 2009 (Doc. 26) the Court **DENIED** Defendant Texas County, Missouri's Second Motion to Dismiss (Doc. 18).

On April 30, 2010 (Doc. 118) the Court **DENIED AS MOOT** Defendant Anderson's Motion to Dismiss Plaintiff's Second Amended Complaint and Defendant Anderson's Amended Motion to Dismiss Plaintiff's Second Amended Complaint and Texas County, Missouri's Motion to Dismiss Plaintiff's Second Amended Complaint were **GRANTED IN PART and DENIED IN PART** (Docs. 61 and 62) as follows:

1. Plaintiff's claims in Counts 1 and II against Defendant Anderson in his official

capacity as Prosecuting Attorney of Texas County were **DISMISSED** as redundant to the same claims pleaded directly against Texas County.

2. Plaintiff's requests for punitive damages in Counts I and II were **STRICKEN**.
3. Count III of Plaintiff's Complaint was **DISMISSED** in its entirety.
4. To the extent Defendant Anderson's motion to dismiss reasserts the previously rejected arguments (raised in his first motion to dismiss) in favor of dismissing Counts IV, V, and VI, the motion was **DENIED** for the reasons stated in the Court's order of June 15, 2009.
5. Texas County's motion to dismiss the state law tort claims against it is **GRANTED**. Plaintiff's claims against Anderson in his official capacity in Counts IV, V, VI, VII, and VIII were **DISMISSED**.
6. Plaintiff's false light invasion of privacy claim in Count VII was **DISMISSED** in its entirety.
7. Defendant Anderson's motion to dismiss Count VIII was **DENIED**.
8. Plaintiff's claims in Count IX against Anderson in his official capacity under 42 U.S.C. Section 1983 were **DISMISSED** for failure to state a claim.
9. Plaintiff's claim in Count IX under 42 U.S.C. Section 1983 for violation of her Fourth Amendment rights was **DISMISSED** for failure to state a claim.
10. Defendant Anderson's motion to dismiss Count IX was **DENIED** as to Plaintiff's claims that Anderson violated her right to be free from sex discrimination and her right to speak and associate freely by retaliating against her.

On July 23, 2010 (Doc. 182) Defendant Texas County, Missouri's Motion for Summary Judgment was **GRANTED** (Doc. 101), and summary judgment was **GRANTED** in Defendant Texas County's favor as to Counts I and II of Plaintiff's Second Amended Complaint.

On December 1, 2010 (Doc. 257) the Court **GRANTED IN PART and DENIED IN PART** Defendant Anderson's Motion for Summary Judgment. The Court entered a summary judgment in Anderson's favor on Count VI for Defamation in its entirety and Count IX to the extent Hutchison seeks to assert a claim for malicious prosecution. Defendant Anderson's Motion for Summary Judgment was denied for Counts IV (Malicious Prosecution), V (Abuse of process concerning the subpoena and civil lawsuit), VIII (IIED concerning the incident on December 18, 2005), and Count IX (Section 1983 claims concerning hostile work environment based on sexual harassment and First Amendment retaliation).

On January 12, 2011 (Doc. 282) the Court **DENIED** Defendant's Motion for Entry of Final Judgment.

On May 23, 2011 (Doc. 351) the Court **DISMISSED WITH PREJUDICE** all remaining claims asserted by Plaintiff Monica Daniel Hutchison against Defendant Michael R. Andersen based upon the parties having stipulated for the dismissal with prejudice of all remaining claims asserted by Plaintiff against Defendant.

IT IS SO ORDERED..

May 23, 2011
Date

Ann Thompson
Clerk of Court

Entered on: June 28, 2011

s/ Karen Siegert
(By) Deputy Clerk